

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:05-cr-266-WHA
)	
JONATHAN N. GOLDEN)	

UNOPPOSED MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, Jonathan Golden, by and through undersigned counsel, Christine A. Freeman, and pursuant to 18 U.S.C. §§ 3161(h)(1)(I); 3161(h)(8)(b)(I); and 3161(h)(8)(b)(iv) respectfully moves this Court to continue the trial of this matter past the currently scheduled March 27, 2006 trial term. In support of this Motion, defendant would show the following:

1. Trial in this matter is presently scheduled for March 27, 2006.
2. Undersigned counsel is confident this matter will not proceed to trial, a notice of intent to change plea has been filed with this Court and a tentative plea agreement has been negotiated. However, undersigned counsel needs additional time to investigate one of the terms of the plea agreement.
3. As this term of the plea agreement will be relevant to the court's consideration of the proposed plea agreement, it is in the interest of justice to allow undersigned counsel additional time to gather this information prior to the time of the change of plea.
4. This continuance is not being sought for purposes of delay.
5. Mr. Golden has no objection to the requested continuance and his speedy trial waiver will be filed by the close of business on March 20, 2006.

6. The United States, through Assistant United States Attorney Susan Redmond, has no opposition to this requested continuance.
7. Requests for a continuance are addressed to the sound discretion of the trial court. United States v. Darby, 744 F.2d 1508, 1521 (11th Cir. 1984), reh. denied 749 F.2d 733, cert. denied 471 U.S. 1100 (1985). A continuance in order to allow defense counsel “the reasonable time necessary for effective preparation” for trial is one of the factors considered significant by the Speedy Trial Act. United States v. Davenport, 935 F.2d 1223, 1235 (11th Cir. 1991); 18 U.S.C. 3161 (h)(8)(B)(iv). The Eleventh Circuit has repeatedly recognized that a continuance in order to provide adequate preparation by counsel serves the ends of justice. United States v. Goetz, 826 F.2d 1025, 1028 (11th Cir. 1987) (upholding, against speedy trial claim, a continuance of eighty days to allow new counsel to prepare for trial); United States v. Elkins, 795 F.2d 919, 924 (11th Cir. 1986), cert. denied 479 U.S. 952 (1986) (upholding against speedy trial claim, a continuance to allow new counsel time to prepare); United States v. Sarro, 742 F.2d 1286, 1300 (11th Cir. 1984), reh. denied 751 F.2d 394 (1984).

WHEREFORE, Mr. Golden respectfully requests that this motion be granted and the change of plea hearing presently scheduled for today at 1:30 be vacated.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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